

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

4 Maria Antonieta Escobar-Rivera,
5 Plaintiff
6 v.
7 99 Cents Only Stores, LLC,
8 Defendant

Case No. 2:22-cv-01705-CDS-EJY

Order Staying Case and Denying Plaintiff's Motion to Strike and Defendant's Motion for Summary Judgment

[ECF Nos. 22, 23]

On April 12, 2024, defendant 99 Cents Only Stores, LLC filed a notice indicating that it filed a voluntary petition for relief in the United States Bankruptcy Court for the District of Delaware under chapter 11 of title 11 of the United States Code. ECF No. 29. “The automatic stay is self-executing, effective upon the filing of the bankruptcy petition.” *Burton v. Infinity Capital Mgmt.*, 862 F.3d 740, 746 (9th Cir. 2017) (citing 11 U.S.C. § 362(a)). “It applies to almost any type of formal or informal action against the debtor or property of the estate.” *Id.* at 746–47 (quotation omitted). When chapter 11 relief is sought, the automatic stay of judicial actions against the bankrupt party expires at “the time [that] a discharge is granted or denied.” 11 U.S.C. § 362(c)(2)(A)–(C). Accordingly, I dismiss plaintiff Maria Antonieta Escobar-Rivera’s motion to strike and 99 Cents Only Stores’ motion for summary judgment without prejudice to the parties’ ability to re-file the motions when the stay is lifted.

Conclusion

IT IS THEREFORE ORDERED that this action is STAYED pending resolution of the defendant's bankruptcy proceedings.

IT IS FURTHER ORDERED that plaintiff's motion to strike [ECF No. 22] is DENIED without prejudice.

1 IT IS FURTHER ORDERED that defendant's motion for summary judgment [ECF No.
2 23] is DENIED without prejudice.

3 The Clerk of Court is instructed to administratively close this case, to be reopened after
4 the conclusion of the bankruptcy proceedings upon written request and application of the
5 parties and order of this court.

6 Dated: April 16, 2024

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8 Cristina D. Silva
9 United States District Judge
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